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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,116	05/13/2005	Thomas Breitbach	2345/208	3278
26646 7590 09/30/2008 KENYON & KENYON LLP ONE BROADWAY NEW YORK, NY 10004				
EXAMINER SMITHERS, MATTHEW				
ART UNIT 2137		PAPER NUMBER		
MAIL DATE 09/30/2008		DELIVERY MODE PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,116

Applicant(s)

BREITBACH, THOMAS

Examiner

Matthew B. Smithers

Art Unit

2137

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 December 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-85/86)
- Paper No(s)/Mail Date 12/14/04.
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed December 14, 2004 has been placed in the application file and the information referred to therein has been considered as to the merits.

Oath/Declaration

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration has reviewed and understands the contents of the specification, including the claims, **as amended by any amendment specifically referred to in the oath or declaration.**

The highlighted section above is missing from the Oath/Declaration.

Claim Objections

Claims 14 and 16 are objected to because of the following informalities:

With respect to claim 14, "the IP/TCP- based data traffic" lacks antecedent basis.

With respect to claim 16, "the arising data transfer costs" lacks antecedent basis.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 11-20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 20030033522 granted to Bilgic et al.

Regarding claim 11, Bilgic meets the claimed limitations as follows:

"A method for making available security functions for the transmission of data from and to a subscriber terminal unit of a mobile communications network, comprising: carrying out a real-time analysis of the data flow from and to the subscriber terminal unit in a device of a network node of the mobile communications network, the data having contents specified previously by one of a subscriber and a network operator being recognized and processed further; and carrying out first an authentication method by which the subscriber is authenticated via the device of the network node." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 12, Bilgic meets the claimed limitations as follows:

"The method of claim 11, further comprising recognizing and processing further data traffic from and to specified senders and receivers." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 13, Bilgic meets the claimed limitations as follows:

"The method of claim 11, wherein the recognized data is at least one of selected, isolated, deleted and made available to one of the subscriber and the network operator for further processing." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 14, Bilgic meets the claimed limitations as follows:

"The method of claim 11, wherein a filtering of the IP/TCP-based data traffic is carried out." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 15, Bilgic meets the claimed limitations as follows:

"The method of claim 11, wherein an arising data transfer volume is limited to a measure established by one of the subscriber and the network operator." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 16, Bilgic meets the claimed limitations as follows:

"The method of claim 11, wherein the arising data transfer costs are limited to a measure established by one of the subscriber and the network operator." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 17, Bilgic meets the claimed limitations as follows:

"The method of claim 11, further comprising notifying at least one of the subscriber and network operator upon the recognition of at least one of certain data content and sender." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 18, Bilgic meets the claimed limitations as follows:

"A device for making available security functions for the transmission of data from and to a subscriber terminal unit of a mobile communications network, including a security and filtering device comprising:

a filter component for the real-time analysis of the data flow from and to the subscriber terminal unit; an authentication component for authenticating the subscriber vis-avis the security and filtering device; an administrative component as the interface to the subscriber; and a database for storing subscriber-specific and network operator-specific data and security and filtering functions." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 19, Bilgic meets the claimed limitations as follows:

"The device of claim 18, wherein the security and filtering component is positioned in one or more network nodes of the mobile communications network." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Regarding claim 20, Bilgic meets the claimed limitations as follows:

"The device of claim 19, wherein special filter components are established for certain data contents." see paragraphs [0052]-[0065] and Figures 1, 2 and 3.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A. Gwon (US 20030016655) discloses a system for wireless mobile access.

B. Zhang et al (US 20020174335) discloses authentication, accounting and authorization transaction in a wireless system.

C. Doyle et al (US 6,968,453) discloses a secure integrated device with dynamically selectable capabilities.

D. Murto (US 5,991,407) discloses subscriber authentication in a mobile communication system.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew B. Smithers whose telephone number is (571) 272-3876. The examiner can normally be reached on Monday-Friday (8:00-4:30) EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel L. Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Matthew B Smithers/
Primary Examiner, Art Unit 2137